

Attorney Docket No. 59034-8019.US01

REMARKS

The Examiner is thanked for his Office Action of October 1, 2003. Claims 1 and 3-8 remain pending in the Application. Claims 1-14 were elected in response to the Examiner's restriction requirement. The objection to the disclosure has been corrected.

The rejection of claims 1 and 3-8 under 35 U.S.C. §112, ¶2 has been remedied by changing the language for purposes of clarification. Claim 1 has been amended to reflect that the preamble includes a feature of the desired product. The preamble is consistent with claim 3, as claim 3 does not use the term "core-shell type metallic alloy." The clarification has not changed the scope of the claim.

Claim 5 has been amended to comply with 35 U.S.C. §112, ¶2 but the amendment does not affect the scope of any other claim. Claim 7 has been amended for clarification purposes, and the scope of claim 7 has not changed.

The applicant expressly reserves the right to address the Examiner's 35 USC 102(a) rejection of claims 2 and 9-11 and 13-14 in a continuing or divisional application. The fact that these rejections are not addressed in the present Application does not give rise to any inference as it is believed that the rejections of claims 2, 9-11 and 13-14 are not applicable to claims 1 and 3-8.

CONCLUSION

It is submitted that pending claims 1 and 3-8 are now in condition for allowance and a Notice of Allowance is respectfully requested. Should the Examiner believe that a telephonic or

Attorney Docket No. 59034-8019.US01

in-person conference expedite prosecution of this Application or help to resolve any remaining issues, the Examiner is invited to contact the Applicant's counsel at the numbers listed below.

Respectfully submitted,

Perkins Coie LLP

David Bogart Dort
Registration No. 50,213Date: April 5, 2004**Correspondence Address:**

Customer No. 37815
PERKINS COIE LLP
P.O. Box 14405, Ben Franklin Station
Washington, DC 20044-4405
Phone: (202) 434-1608
Facsimile: (202) 434-1690
E-mail: ddort@perkinscoie.com